

California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

NOTICE OF PUBLIC HEARING  
for  
Order No. R8-2005-0110

Amending Order No. R8-2002-0007, NPDES No. CAG918001  
General Groundwater Cleanup Permit for Discharges to Surface Waters of Extracted and Treated Groundwater  
Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons, Solvents and/or Petroleum  
Hydrocarbons Mixed with Lead and/or Solvents

For the  
Santa Ana Region

On the basis of preliminary staff review and application of lawful standards and regulations, the California Regional Water Quality Control Board, Santa Ana Region, proposes to amend Order No. R8-2002-0007, NPDES No. CAG918001 to revise a provision to incorporate as part of the Order the discharge authorization letter issued by the Executive Officer of the Regional Board to any discharger already enrolled or seeking enrollment under the General Groundwater Cleanup Permit Order No. R8-2002-0007.

The Board is seeking comments concerning the proposed amendment to the waste discharge requirements. The Board will hold a public hearing to consider adoption of the proposed amendment as follows:

DATE: September 30, 2005  
TIME: 9:00 a.m.  
PLACE: Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, California

Interested persons are invited to submit written comments on the proposed Amending Order No. R8-2005-0110. Interested persons are also invited to attend and express their views on issues relating to the proposed Order. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should be submitted in writing.

Although all comments that are provided up to and during the public hearing on this matter will be considered, receipt of comments by September 12, 2005 would be appreciated so that they can be used in the formulation of the draft Order that will be transmitted to the Board two weeks prior to the hearing. To view or download a copy of the final draft Order that the Board will consider at its meeting, please access our website at [www.waterboards.ca.gov/santana](http://www.waterboards.ca.gov/santana) on or after September 19, 2005.

The Board's proposed Order, related documents, and all comments and petitions received may be inspected and copied at the Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Copies of the proposed Order will be mailed to interested persons upon request to Jun Martinez at (951) 782-3258).

Any person who is physically challenged and requires reasonable accommodation to participate in this Regional Board Meeting should contact Catherine Ehrenfeld at (951) 782-3285 no later than September 23, 2005.

Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

California Regional Water Quality Control Board  
Santa Ana Region

September 30, 2005

STAFF REPORT

**ITEM:**

**SUBJECT:** Amendment to Order No. R8-2002-0007, NPDES No. CAG918001 – General Groundwater Cleanup Permit for the Discharge to Surface Waters of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons, Solvents and/or Petroleum Hydrocarbons Mixed with Lead and or Solvents within the Santa Ana Region, Order No. R8-2005-0110

**I. SUMMARY:**

On January 23, 2002, the Regional Board adopted Order No. R8-2002-0007, NPDES No. CAG918001, revising waste discharge requirements for discharges into surface waters of extracted and treated groundwater resulting from groundwater cleanup projects within the Santa Ana Region. On October 3, 2003, the Regional Board adopted Order No. R8-2003-0085, amending Order No. R8-2002-0007. It is now necessary to amend Order No. R8-2002-0007, as amended by Order No. R8-2003, to revise a provision to incorporate as part of the Order the discharge authorization letter issued by the Executive Officer of the Regional Board to dischargers already enrolled or seeking enrollment under the General Groundwater Cleanup Permit.

**II. DISCUSSION:**

On January 1, 2004, the California Water Code was amended with the addition of Section 13385.1(c). This new section states that mandatory minimum penalties (MMPs) in accordance with Water Code Section 13385(h)(1) are applicable only if the permit being violated specifies the location of discharge. In August 2005, the State Water Resources Control Board mailed letters to those dischargers who were issued MMPs after January 1, 2004 to inform them of this change in the Water Code. The letters also stated that the violation, or violations, for which the MMP had been issued would remain subject to non-mandatory enforcement under other Water Code provisions, including the imposition of administrative civil liability pursuant to Section 13385(a), even if the location(s) of the discharges had not been specified in the applicable discharge permits.

General permits, such as Order No. R8-2002-0007, generally do not specify the location of discharge because they are intended to regulate multiple dischargers with various waste discharges involving the same or substantially similar types of operation, same types of waste discharges that require the same effluent limitations or operating conditions, and that are more appropriately regulated under a general permit rather than an individual permit. Since the general permit applies to many similar discharges, , general permits do not include the discharge location

for a specific discharge. However, the location(s) of the discharge(s) is included in the discharge authorization letter that the Executive Officer of the Regional Board issues to individual dischargers acknowledging the discharger's enrollment under the general permit. The discharge authorization letter also transmits the monitoring program that the discharger is required to implement to determine compliance with the waste discharge requirements.

It is appropriate and fair to assure that dischargers enrolled under the General Groundwater Cleanup Permit are subject to the MMP enforcement provisions of the Water Code. This can be accomplished by revising a provision in Order No. R8-2002-0007 to incorporate, as part of the Order, the discharge authorization letter that specifies the discharge location(s)

### **III. WRITTEN COMMENTS:**

Interested persons are invited to submit written comments on the proposed discharge limits and the Fact Sheet. Comments should be submitted by September 30, 2005, either in person or by mail to:

Jun Martirez  
California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

### **IV. INFORMATION AND COPYING:**

Persons wishing further information may write to the above address or call Jun Martirez of the Regional Board at (951) 782-3258. Copies of the application, proposed waste discharge requirements, Fact Sheet, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday (excluding holidays).

### **V. REGISTER OF INTERESTED PERSONS:**

Any person interested in a particular application or group of applications may leave his/her name, address, and phone number as part of the file for an application.

## **VI. PUBLIC HEARING:**

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements as follows:

DATE: September 30, 2005  
TIME: 9:00 a.m.  
PLACE: Orange County Sanitation District  
10544 Ellis Avenue  
Fountain Valley, California

## **RECOMMENDATION:**

Adopt Order No. R8-2005-0110, amending Order No. R8-2002-0007, NPDES No. CAG918001, as presented.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt  
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch  
U.S. Fish and Wildlife Service - Carlsbad  
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
State Water Resources Control Board, Division of Water Quality - James Maughan  
State Department of Water Resources - Glendale  
State Department of Fish and Game – Los Alamitos  
State Department of Health Services, Santa Ana  
State Department of Health Services, San Bernardino  
State Department of Health Services, San Diego  
Orange County Public Facilities and Resources Department - Chris Crompton  
Orange County Health Care Agency - Seth Daugherty  
Orange County Water District – Nira Yamachika  
Riverside County Environmental Health Department - Sandy Bunchek  
San Bernardino County Dept of Public Works, Env. Management Division – Naresh Varma  
San Bernardino County Environmental Health Department – Daniel Avera  
City of Fullerton Fire Department - John White  
City of Santa Ana Fire Department - Bruce Guy  
City of Orange Fire Department - Anne Bland  
South Coast Air Quality Management District – Barry Wallerstein  
City of Santa Ana - City Manager  
Orange County Coastkeeper – Garry Brown  
Lawyers for Clean Water C/c San Francisco Baykeeper  
And the attached mailing list (current enrollees)

California Regional Water Quality Control Board  
Santa Ana Region

ORDER NO. R8-2005-0110

Amending Order No. R8-2002-0007, NPDES No. CAG918001  
General Groundwater Cleanup Permit for Discharges to Surface Waters of Extracted and Treated  
Groundwater Resulting from the Cleanup of Groundwater Polluted by Petroleum Hydrocarbons,  
Solvents and/or Petroleum Hydrocarbons Mixed with Lead and/or Solvents

For the  
Santa Ana Region

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On January 23, 2002, the Board adopted Order No. R8-2002-0007, NPDES No. CAG918001. This General Groundwater Cleanup Permit regulates discharges to surface waters of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons, solvents and/or petroleum hydrocarbons mixed with lead and/or solvents.
2. On October 3, 2003, the Board adopted Order No. R8-2002-0085, amending Order No. R8-2002-0007, NPDES No. CAG918001. Order No. R8-2003-0085 revised maximum daily effluent limits (MDELs) in Order No. R8-2002-0007 that had been incorrectly specified in Order No. R8-2002-0007; revised the MDEL for tert-butyl alcohol (TBA) based on empirical evidence of TBA treatability; incorporated a TBA compliance determination provision based on TBA studies; and incorporated limits for both isomeric forms of 1,2-dichloroethylene, 1,4 dioxane and perchlorate.
3. It is appropriate to revise Order No. R8-2002-0007 once again to revise a provision in the Order to incorporate as part of the Order, the discharge authorization letter issued by the Executive Officer of the Regional Board to dischargers already enrolled or seeking enrollment under the General Groundwater Cleanup Permit. This revision will allow Regional Board staff to issue mandatory minimum penalties in accordance with Water Code Section 13385(h)(1) to dischargers who violate the General Groundwater Cleanup Permit.
4. In accordance with Water Code Section 13389, the amendment of Order No. R8-2002-0007, NPDES No. CAG918001 is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
5. The Board has notified the dischargers and other interested agencies and persons of its intent to amend Order No. R8-2002-0007 and has provided them with an opportunity to submit their written views and recommendations.

6. The Regional Board, in a public meeting, heard and considered all comments pertaining to the amendment.

**IT IS HEREBY ORDERED** that Order No. R8-2002-0007 shall be amended as follows:

1. Order No. R8-2002-0007, revise Provision E.6. as follows: (additions are highlighted and bold)
  6. The discharger shall comply with all requirements of this Order and the terms, conditions and limitations of the discharge authorization letter. **The discharge authorization letter, which identifies the discharge location(s), is incorporated by reference into this Order.**
2. All other conditions and requirements of Order No. R8-2002-0007 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 30, 2005.

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Gerard J. Thibeault  
Executive Officer